IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 443 of 2003
in
SPECIAL CIVIL APPLICATIONNo 12048 of 2001
With
Civil Application No. 3165 of 2003

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT

and

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD ELECTRICITY CO.LTD.

Versus

S.F. KHOJA & Others.

Appearance:

1. LETTERS PATENT APPEAL No. 443 of 2003
Mr. Kamal Trivedi for MR PS CHARI for Appellant.
MR MUKUL SINHA for Respondents.

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE K.A.PUJ

Date of decision: 08/05/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

The only question, at the end of marathon hearing, which has surfaced for our consideration and adjudication, is as to whether the order under challenge in this Letters Patent Appeal is interlocutory order, and so also the order challenged before the learned Single in a writ petition is an interim order passed in Revision Application No. 12 of 2001 on 9-3-2001 by the Industrial Court. So, it becomes evident that three forums are called upon to decide and determine an order which is interlocutory in nature. It is in this context, upon our pointed suggestion, the learned Counsel for the respondents and the Senior Counsel Mr. Trivedi for the appellant, rightly and jointly suggested that;

(1) Without entering into any merits of the dispute pending between the parties, this Court may issue direction to dispose of the main dispute and controversy pending before Labour Court in Application No. 225 of 2001, as expeditiously as possible, and not later than three months from the date of receipt of writ of this Court and, in case by any reason, if the matter is not adjudicated upon by the stipulated time stated hereinabove, the interim order, which is under challenge in this Letters Patent Appeal,and, which is to be suspended till the disposal, shall get revived.

2. In our opinion, this consensual statement is quite just and reasonable, and we accept it and pass following directions :

(i) The Labour Court, Ahmedabad, is directed to accord priority and dispose of Application No. 225 of 2001, on day to day basis, expeditiously and not later than three months from the date of receipt of writ of this Court, failing which further order shall follow;

(ii) The learned Counsel appearing for the parties have assured us that no adjournment will be sought by either side and full cooperation will be rendered in rendering the decision in the matter;

(iii) The interim order, which is challenged before us, shall stand stayed for a period of three months

or for a period till the Labour Court takes final decision, as directed hereinabove, whichever occurs first. Else, the interim order, which we have now suspended, shall get revived.

3. The permission to withdraw the Special Civil Application No. 12048 of 2001, upon request of learned counsel Mr. Sinha, under instructions, is granted. The petition, therefore, shall stand disposed of as having been withdrawn without any order as to costs.

4. We are sure, that learned counsel Mr. Sinha and learned counsel Mr. Chari, who are present in the Court, having assured us that in any case no adjournment will be sought and this assurance shall be adhered to scrupulously by the parties also. We have reached a junction of crossroad where expeditious disposal of cases, and that too in such sensitive matters, is absolutely necessary, and so such an assurance has inspired us, and, we are sure, the concerned Labour Court Judge shall also take up with the same zeal, zest and mission so as to bring an end to the controversy pending between the parties. This Letters Patent Appeal shall stand disposed of, in view of the aforesaid directions, without any order as to costs. The Civil Application No. 3165 of 2003 does not survive and stands disposed of accordingly.

rmr. [J.N. Bhatt, Actg. C.J.]

[K.A. Puj, J.]